

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FUNG YING LEUING, *et al.*,

Plaintiffs,

v.

COUNTRYWIDE HOME LOANS INC.,
et al.,

Defendants.

Case No. 2:12-CV-0188-KJD-CWH

ORDER

Presently before the Court is Plaintiffs' Motion for Preliminary Injunction (#4). Defendants Countrywide Home Loans, Inc. and Recontrust Company, N.A., have not been served in this action or with this motion. Therefore, Defendants have not opposed this motion. Pursuant to Federal Rule of Civil Procedure 64, "the court may issue a preliminary injunction only on notice to the adverse party." FED. R. CIV. P. 65. Here, Defendants have not been served and have no notice of Plaintiffs' motion.

To the extent that Plaintiffs assert that they have served Defendants as shown by Summons Returned Executed (#7), the service returned by Plaintiffs is inadequate. If the summons and complaint were served, service was effected by Plaintiff. However, Federal Rule of Civil Procedure 4(c)(2) requires that a person, not a party to the case or action, serve the summons and complaint.

1 Therefore, proof of service in compliance with Rule 4 as to Defendants has not been filed. Any
2 proof of service filed must demonstrate that a party other than Plaintiffs served the summons and
3 complaint and must show that the complaint was served with the summons.

4 Accordingly, IT IS HEREBY ORDERED that *pro se* Plaintiffs' Motion for Preliminary
5 Injunction (#4) is **DENIED**.

6 DATED this 10th day of April 2012.

7
8 

9
10 Kent J. Dawson
United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26